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| 10/824,733 | 04/15/2004 | David Hardin Abrams | 6562/53824 | 6741 |

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MISIASZEK, MICHAEL

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| ART UNIT | PAPER NUMBER |
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3625

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/824,733 | Applicant(s) ABRAMS ET AL. | |
| | Examiner Michael Misiaszek | Art Unit 3625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 16, 17, 34 and 92-94 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 16, 17, 34 and 92-94 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>9/5/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendments dated 9/6/2006 have been received and reviewed. The status of the claims is as follows:

Claims 1-10, 16,17, 34, and 92-94 are pending. Claims 11-15, 18-33, 35-91, and 95-102 are cancelled and withdrawn from consideration per a preliminary amendment filed 4/15/2004.

Specification

Applicant's amendments to the specification have been received and accepted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-10, 16, 34, and 92-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney (US 6026376) in view of Yamaashi (US 6337709 B1).

Regarding Claim 1

Kenney discloses a system for shopping in a remote physical location over a computer network comprising:

- a user interface, remote from said physical location and coupled to said computer network (at least figure 3: user terminal)
- said user interface transmitting control signals designating selected regions of said physical location (at least column 2, lines 10-21: control signals represent digital images of shopping facility)
- said user interface displaying images received over said computer network (at least figures 3-9)
- an image acquisition system coupled to said computer network (at least column 2, lines 10-21: digital camera)
- said image acquisition system transmitting an image of a selected region in said remote physical location in response to said control signals (at least figures 3-9)

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- wherein a user of said shopping system can select a product based on said image received and displayed by said user interface (at least column 2, lines 37-62: user can select product)

Kenney does not disclose transmitting live images of a selected region. Yamaashi teaches that it is known to transmit live images of a selected region (at least column 1, lines 35-46: live camera images of specific region are transmitted) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system, as taught by Kenney, with the transmitting live images, as taught by Yamaashi, since such a modification would have provided a camera system that is accurate and quick to control, allowing the operator to easily identify a viewed region (at least column 2, lines 7-10 of Yamaashi).

Regarding Claims 2-4

Kenney further discloses:

- said user interface includes a field into which said user may enter a product identifier (at least column 11, lines 35-58: user can enter desired item)
- said user interface includes a list of products appearing in the selected region displayed by said user interface (at least column 2, lines 63-67 and column 3, lines 1-9: list of displayed items)
- said user interface includes vendor contact information (at least column 10, lines 64-67: user gets instructions for store pickup)

Regarding Claims 5, 6

Kenney discloses:

- a parameter region database stores at least one region in said remote physical location in association with at least one product identifier corresponding to a product located in the at least one region (at least column 8, lines 30-50: store location portions associated with products and stored)
- wherein said at least one region stored in said database is defined in relation to at least one positional parameter of said image acquisition system (at least column 9, lines 25-48: coordinate ranges defined by position of camera cursor in an aisle)
- a image server coupled to said parameter region database, said image server, in response to control signals, operative to access said parameter region database to retrieve the at least one product identifier corresponding to selected regions, said image server further being coupled to transmit said retrieved product identifiers and said image to said user interface (at least column 9, lines 7-25: product images displayed depending on product identifiers associated with viewed region)
- the at least one positional parameter stored in said parameter region database are defined in relation to at least one positional parameter of said image acquisition system (at least column 9, lines 25-48: coordinate ranges defined by position of camera cursor in an aisle)

Kenney does not disclose transmitting a live image of a region. Yamaashi teaches that it is known to transmit a live image of a region (at least column 1, lines 35-46: live camera images of specific region are transmitted) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system, as taught by Kenney, transmitting live images, as taught by Yamaashi, since such a modification would have provided a camera system that is accurate and quick to control, allowing the operator to easily identify a viewed region (at least column 2, lines 7-10 of Yamaashi).

Regarding Claims 7, 8, 16

Kenney discloses:

- said image acquisition system includes a camera system, and wherein the at least one positional parameter stored in said parameter region database are defined by at least one of the pan, tilt, and zoom values of said camera system (at least column 9, lines 25-48: coordinates defined by x-y-z coordinates, which are equivalent to pan-tilt-zoom, dependent upon position of camera curos in an aisle)
- said image acquisition system includes a camera system; and wherein the at least one positional parameter stored in said parameter region database are defined according to a range of pan, tilt, and zoom values of said camera system (at least column 9, lines 25-48: coordinates defined by x-y-z coordinates, which

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are equivalent to pan-tilt-zoom, dependent upon position of camera cursors in an aisle)

Regarding 9, 10

Kenney discloses:

- said user interface displays a list of said retrieved product identifiers (at least column 11, lines 35-58: user can search for desired item and receive results)
- said list of retrieved product identifiers includes hyper-links (at least column 7, lines 39-67: products tagged and linked)

Regarding Claim 34

Kenney further discloses:

- said selected region contains at least one product (at least figure 7: region includes and item for reorder)

Regarding Claims 92-94

Kenney discloses a method for shopping in a remote physical location over a computer network comprising:

- said computer network carrying and routing data between computers connected thereto (at least column 8, lines 1-10: data transmitted over communications link)

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- said computers including at least one client computer associated with one or more users (at least column 2, lines 10-21)
- at least one server associated with a provider of goods or services, said server coupled to a database (at least column 8, lines 10-50: computer 18 stores product and spatial data of store)
- said database including a list of products located at said remote physical location (at least column 8, lines 10-50: computer 18 stores product and spatial data of store)
- said server operably coupled to and controlling an image acquisition system (at least column 8, lines 10-50: computer uses spatial coordinates in store to obtain camera images)
- (a) placing a product in a selected region of said remote physical location (at least column 8, lines 10-50: products in particular store location)
- (b) placing a product identification tag on said product (at least column 8, lines 10-50: product identifiers are created)
- (c) associating said tag with said product (at least column 8, lines 10-50: product identifiers are created for database use)
- (d) storing a representation of said tag in said database in association with said product (at least column 8, lines 10-50: product identifiers are created for database use)
- (e) acquiring an image of said selected region (at least figure 7)

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- (f) analyzing at said server, said image to identify said tag placed on said product (at least figures 3-9 and column 8, lines 10-50: product images associated with product information, including identifiers)
- (g) accessing said database according to said identified tag to retrieve said product identification (at least figures 3-9 and column 8, lines 10-50: product images associated with product information, including identifiers)
- (h) transmitting interface data to said user, said interface data including said image and said product identification (at least column 8, lines 10-50: computer stores images and product data and transmits to user via communication link)

Kenney does not disclose transmitting a live image of a region. Yamaashi teaches that it is known to transmit a live image of a region (at least column 1, lines 35-46: live camera images of specific region are transmitted) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system, as taught by Kenney, transmitting live images, as taught by Yamaashi, since such a modification would have provided a camera system that is accurate and quick to control, allowing the operator to easily identify a viewed region (at least column 2, lines 7-10 of Yamaashi).

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2. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney in view of Yamaashi, as applied to claims 1-10, 16, 34, and 92-94 above, and further in view of Fernandez et al. (US 6697103 B1, hereinafter Fernandez).

The combination of Kenney and Yamaashi discloses the claimed invention except for:

- said camera system includes at least one computer-controlled, pan-tilt-zoom camera

Fernandez teaches that it is known to include a computer-controlled, pan-tilt-zoom camera (at least column 6, lines 50-58) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system for shopping, as taught by Kenney and Yamaashi, with the camera, as taught by Fernandez, since such a modification would have provided a more reliable and scaleable solution for monitoring remote objects (at least column 1, lines 26-30 of Fernandez).

Response to Arguments

Applicant's arguments with respect to Kenney not disclosing the transmission of live images have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to Kenney not disclosing associating product identifiers with positional parameters of an image acquisition system and defining regions in relation to the positional parameters have been fully considered but they are not persuasive. In at least column 8, lines 10-50, Kenney discloses that regions of the virtual remote location are defined by spatial x-y-z coordinates. These regions are associated with identifiers of products. These identifiers are then further associated with relevant product information (see lines 30-34). At least column 9, lines 25-48 discloses that the spatial coordinate (x-y-z) ranges can be defined to be associated with a specific position of the camera in the store; for instance, the specific location of a camera in an aisle (see lines 43-48). Accordingly, Kenney does, indeed disclose associating product identifiers with positional parameters of an image acquisition system and defining regions in relation to the positional parameters.

Applicant's arguments regarding claim 17 are also not persuasive for the preceding reasoning.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571) 272-6961. The examiner can normally be reached on 8:00 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael A. Misiaszek
Patent Examiner
11/22/2006


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